

RESOLUTION NO. 2021 - _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S DETERMINATION THAT A "HIGH IMPACT PERIOD," AS DEFINED IN SECTION 82-443(1) OF THE CITY CODE, SHALL EXIST FOR THE PERIOD FROM FEBRUARY 22, 2021, THROUGH APRIL 12, 2021 ("SPRING BREAK 2021") AND, ACCORDINGLY, APPROVING THE CITY MANAGER'S SPRING BREAK 2021 PLAN (AS SET FORTH IN THE ATTACHED MEMORANDUM); AUTHORIZING THE CITY MANAGER TO IMPOSE THOSE HIGH IMPACT MEASURES, AS SET FORTH IN THIS RESOLUTION, AND WHICH MEASURES ARE CONSISTENT WITH SECTION 82-443 OF THE CITY CODE; AND APPROVING AND AUTHORIZING THE CITY MANAGER TO IMPOSE SUCH HIGH IMPACT MEASURES BEYOND THE INITIAL 72-HOUR TIME PERIOD SET FORTH IN SECTION 82-443 OF THE CITY CODE, AND HEREBY APPROVING AN EXTENSION OF THE HIGH IMPACT PERIOD TO INCLUDE ANY OR ALL OF THAT PERIOD OF TIME FROM FEBRUARY 22, 2021, THROUGH APRIL 12, 2021; AND WHICH MEASURES THE CITY MANAGER DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE, DEGRADATION AND/OR UNAUTHORIZED USES.

WHEREAS, the City of Miami Beach (the "City") is an internationally renowned tourist destination that is famous for its beaches, shopping, entertainment, and nightlife; and

WHEREAS, in recent years, the City has received an increasingly large number of visitors during the Spring Break period, which has posed significant challenges including, without limitation, increased traffic and congestion, and impacts to Police, Fire, Sanitation, and Code Compliance services; and

WHEREAS, due to its domestic and international popularity as a resort destination, the City attracts large-scale events and gatherings on City property, including on public beaches; and

WHEREAS, authorized and unauthorized uses of City property and the beaches during Spring Break have, in previous years, caused extensive damage, personal injury, and property degradation, and have dramatically affected the quality of life of the City's residents; and

WHEREAS, large crowds during the Spring Break period can cause severe congestion and overcrowding on the City's streets, and result in excessive litter and other debris on public and private property; and

WHEREAS, large gatherings during the Spring Break period can also create excessive noise, disturb surrounding neighborhoods, and negatively affect nearby businesses and residents; and

WHEREAS, a significant portion of these events occur on the City's public property and beaches located in the MXE mixed use entertainment district (excluding that portion of the MXE located between 73rd and 75 Streets) (the "MXE District"), and in that portion of the CD-2

commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5th Street to 16th Street (the "CD-2 District"); and

WHEREAS, this year, threats to public health, safety, and welfare are compounded by the public health risks associated with the ongoing COVID-19 pandemic, which has placed heightened demands on the City's Police, Code Compliance, and Fire Departments; and

WHEREAS, significant resources have been dedicated to enforcing social distancing requirements in City, County, and State emergency orders, at a time when the City's General and Resort Tax revenues have declined; and

WHEREAS, based on information obtained by the Police Department, this year's Spring Break period is expected to stretch even longer than usual (i.e. from February 22, 2021 through April 12, 2021) ("Spring Break 2021"); and

WHEREAS, in order to mitigate such effects, Section 82-443 of the City Code provides the City Manager independent authority, upon the City Manager's determination that a high impact period in a high impact zone will occur (or is in progress), to impose certain immediate measures to protect the public health, safety, and welfare, and to protect public and private property from damage, property degradation, and/or unauthorized uses; and

WHEREAS, the City Manager has determined that, pursuant to Section 82-443, a high impact period will occur in high impact zones during Spring Break 2021 (i.e. February 22, 2021 – April 12, 2021) ("High Impact Period"); and

WHEREAS, based on this determination, the City Manager intends (as has been done in previous years) to invoke the provisions in Section 82-443 of the City Code, in order to protect the public health, safety, and welfare, and mitigate the public health risks associated with large gatherings of people during the COVID-19 pandemic; and

WHEREAS, at the February 10, 2021 City Commission meeting, the Interim City Manager advised the Mayor and City Commission of certain high impact period measures, pursuant to Section 82-443, which he intends to implement during the High Impact Period, including the following:

- The prohibition of any direct or indirect consumption of alcohol on public beach property.
- The limitation of live or amplified music, including suspension of the noise exemption in City Code Section 46-157 for those properties located from 9th Street to 11th Street on the west side of Ocean Drive.
- The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited.
- The establishment of occupancy limits for different segments of public beach property, and prohibiting access to those areas that have reached those occupancy limits.
- The prohibition of coolers and inflatable devices on public beach property.
- The prohibition of tents, tables, and similar structures.

- The implementation of a License Plate Reader ("LPR") Police detail, which may be utilized on eastbound traffic lanes of the MacArthur Causeway, Julia Tuttle Causeway, and on any other access points into the City.
- The suspension, or the issuance, of a business tax receipt ("BTR") to promoters for any dance or entertainment events to be held at an alcoholic beverage establishment located in the MXE District and CD-2 District, pursuant to City Code Section 102-360.
- The suspension and closure of all or part of sidewalk café operations located in the MXE District and CD-2 District, at 12:00 a.m. each night (including, without limitation, the removal of all or any sidewalk café furniture), pursuant to City Code Section 82-381(e)(1).

WHEREAS, pursuant to Section 82-443(c) of the City Code, the Mayor and City Commission hereby approve the City Manager's request to extend the High Impact Period for Spring Break 2021, in order to implement measures beyond the 72-hour period set forth in the Code, for the period commencing on February 22, 2021, and ending on April 12, 2021; and

WHEREAS, in addition to the measures set forth in this Resolution, the Mayor and City Commission hereby approve the measures more particularly described in the City Manager's Spring Break 2021 Plan, as set forth in the attached Memorandum.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Commission hereby accepts the City Manager's determination that a "high impact period," as defined in Section 82-443(1) of the City Code, shall exist for the period from February 22, 2021, through April 12, 2021 ("Spring Break 2021") and, accordingly, the City Commission hereby approves the City's Spring Break 2021 Plan (as set forth in the attached Memorandum), and authorizes the City Manager to impose those high impact measures, as set forth in this Resolution, and which measures are consistent with Section 82-443 of the City Code; and approves and authorizes the City Manager to impose such high impact measures beyond the initial 72-hour time period set forth in Section 82-443 of the City Code, and hereby approves an extension of the High Impact Period to include any or all of that period of time from February 22, 2021, through April 12, 2021; and which measures the City Manager deems necessary to protect the public health, safety and welfare, and to protect public and private property from damage, degradation and/or unauthorized uses.

PASSED and ADOPTED this _____ **day of** _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney

NK

2-8-21

Date